

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

JOEY DEJUAN WELLS,

Petitioner,

V.

**J.C. GILES, Warden;
ATTORNEY GENERAL OF
THE STATE OF ALABAMA,**

Respondents.

Case No. 3:08-cv-2356-RDP-TMP

ORDER

On April 20, 2009, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be dismissed without prejudice. To date, no objections have been filed by either party.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is **ADOPTED**, and the recommendation is **ACCEPTED**. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be and the same is hereby **DISMISSED WITH PREJUDICE** to Petitioner to re-file another § 2254 petition in this court after he completely exhausts the remedies available to him in state court.

DONE and **ORDERED** this 13th day of May, 2009.

R. C. P.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE